

NOTICE OF PENDING LEGISLATION		DATE
		LEGISLATIVE BILL NO. H.R. 6600
SECTION I GENERAL		
TO :		FROM: LEGISLATIVE COUNSEL OFFICE OF GENERAL COUNSEL
<p>THE ATTACHED BILL, WHICH HAS BEEN INTRODUCED INTO CONGRESS, IS:</p> <p><input type="checkbox"/> SENT TO YOU FOR INFORMATION ONLY.</p> <p><input type="checkbox"/> A BILL ON WHICH FAVORABLE CONGRESSIONAL ACTION <input type="checkbox"/> IS <input type="checkbox"/> IS NOT PREDICTED.</p> <p><input type="checkbox"/> SENT FOR YOUR COMMENT AS TO WHETHER IT IS OF INTEREST TO CIA ACTIVITIES, AND WHETHER FURTHER ACTION BY THIS OFFICE IS NECESSARY OR DESIRED.</p> <p><u>IT IS REQUESTED THAT COMMENTS CONCERNING THIS LEGISLATION BE FORWARDED, THROUGH APPROPRIATE CHANNELS, TO THIS OFFICE, BY _____.</u></p>		
SECTION II COMMENTS (From Original Addressee)		
TO : LEGISLATIVE COUNSEL OFFICE OF GENERAL COUNSEL		FROM:
<p style="text-align: right;">1 June 1955 84/1</p> <p>Mr. Kilday of Texas</p> <p>To amend Section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services.</p> <p>Distribution: <i>13 Sept 55</i></p> <p><i>1- Div of Pers</i> House Report 967 Passed House 5 July 55 Senate Report 1221 Passed Senate 30 July 55 PL 368</p> <p><i>1- Div of Logistics</i></p>		
DATE OF COMMENTS	SIGNATURE AND TITLE	EXTENSION
Approved For Release 2002/01/10 : CIA-RDP59-00224A000200500001-8		

Public Law 368 - 84th Congress
Chapter 806 - 1st Session
H. R. 6600

AN ACT

All 69 Stat. 691.

To amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303 (a) of the Career Compensation Act of 1949 (63 Stat. 813) is amended by inserting the following sentence immediately after the first sentence thereof: "Under uniform regulations prescribed by the Secretaries concerned, a member of the uniformed services who—
Uniformed services.
Travel and transportation.
37 USC 253.

"(1) is retired for physical disability or placed upon the temporary disability retired list; or

"(2) is retired with pay for any other reason, or is discharged with severance pay, immediately following at least eight years of continuous active duty (no single break therein of more than ninety days);

may select his home for the purposes of the travel and transportation allowances payable under this subsection."

SEC. 2. Section 303 (c) of the Career Compensation Act of 1949 (63 Stat. 814) is amended by inserting the following sentences at the end thereof: "Under uniform regulations prescribed by the Secretaries concerned, a member of the uniformed services who—

"(1) is retired for physical disability or placed on the temporary disability retired list; or

"(2) is retired with pay for any other reason, or is discharged with severance pay, immediately following at least eight years of continuous active duty (no single break therein of more than ninety days);

is entitled to transportation for his dependents and for his baggage and household effects to the home selected for allowance purposes under subsection (a) of this section."

SEC. 3. This Act shall be effective from April 1, 1951. No additional amount may be paid to members of the uniformed services as a result of enactment of this amendatory Act unless travel to such selected home be performed on or prior to April 28, 1953, or within one year after such retirement, placement upon the temporary disability retired list, or discharge, whichever is later. Effective date.

Approved August 11, 1955.

Calendar No. 1236

84TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ No. 1221

AUTHORIZING TRAVEL AND TRANSPORTATION ALLOWANCES,
AND TRANSPORTATION OF DEPENDENTS AND OF BAGGAGE AND
HOUSEHOLD EFFECTS TO HOMES OF THEIR SELECTION FOR
CERTAIN MEMBERS OF UNIFORMED SERVICES

JULY 28, 1955.—Ordered to be printed

Mr. RUSSELL, from the Committee on Armed Services, submitted the
following

R E P O R T

[To accompany H. R. 6600]

The Committee on Armed Services, to whom was referred the bill (H. R. 6600) to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the proposed legislation is to provide authority for the payment of travel and transportation allowances to all members of the uniformed services to a home of selection when (1) a member is retired for physical disability or placed on the temporary disability retired list or (2) retired for any other reason, or discharged with severance pay immediately following at least 8 years of continuous active duty.

BACKGROUND

This legislation concerns the question of certain members making a home of selection upon assuming a retired status.

The Career Compensation Act of 1949, as amended, presently authorizes the payment of travel and transportation allowances to members of the uniformed services who are ordered to a retired status. The Comptroller General has held that section 303 (a) of the Career Compensation Act provided authority only for Regular members of the uniformed services to select their homes upon retirement. The

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effect of the Comptroller General's decision is that members of the Reserve components are denied the right to select their homes on retirement. Many of these officers have completed long years of active service.

Prior to the Comptroller General's decisions of September 1953 and March 1954, the Joint Travel Regulations, effective April 1, 1951, promulgated pursuant to the Career Compensation Act of 1949, provided authority for travel and transportation allowances to homes of selection on retirement for all members of the uniformed services. It was considered that the broad terms of section 303 (a) of the 1949 act authorized travel and transportation allowances to Reserve members in the same manner as had previously been authorized to members of the Regular services. A high percentage of the members of the Reserve components retired after many years of active service and, like members of the Regular services, have long ceased to have homes to which to return upon retirement, even though technically the records show that homes were designated upon entry on active duty. The Comptroller General had previously held that members of the Regular service could designate their homes of selection since such members were not regarded as having a home during their period of service. One year after retirement was the period in which Regular members were required to select their home.

EFFECT OF THE BILL

The effect of the bill is to remove the inequity, which precludes authority for Reserve officers to select their homes upon retirement. The bill provides affirmative legislative authority for travel and transportation allowances to homes of selection for all members of the uniformed services who are retired for physical disability, placed on the temporary disability retired list, or who are retired for any other reason, or discharged with severance pay immediately following at least 8 years of continuous active duty. In effect, the bill extends to all members of the uniformed services, benefits now enjoyed by Regular members with respect to receiving travel and transportation allowances to their homes of selection upon retirement.

EFFECTIVE DATE OF LEGISLATION

Section 3 of the bill provides that the act will be effective from April 1, 1951. This was the effective date of the Joint Travel Regulations which permitted members of the Reserve components to select their homes for travel and transportation purposes. This legislation would therefore validate payments made by disbursing officers to members of Reserve components pursuant to the Joint Travel Regulations.

It is also provided that no additional amount may be paid to members of uniformed services as a result of this amendatory act unless travel to such selected home was performed on or prior to April 28, 1953, or within 1 year after retirement or discharge, whichever is later. This language extends the same privileges to Reserves during the periods in question as were extended to members of the Regular components.

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FISCAL DATA--DEPARTMENTAL RECOMMENDATION

The enactment of this proposal would not result in an increase of budgetary requirements for the Department of Defense. This legislation is part of the Department of Defense legislative program for 1955 as indicated by the letter printed below and hereby made a part of this report. The departmental letter indicates that the Bureau of the Budget interposes no objections to the enactment of this legislation.

MAY 18, 1955.

HON. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes.

This proposal is a part of the Department of Defense legislative program for 1955 and the Bureau of the Budget has advised that there would be no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to provide authority for the payment of travel and transportation allowances to all members of the uniformed services who are retired for physical disability or placed on the temporary disability retired list; or are retired for any other reason, or are discharged with severance pay, after serving at least 8 years continuous active duty, to homes of selection in accordance with uniform administrative regulations, by amending sections 303 (a) and 303 (c) of the Career Compensation Act of 1949 (63 Stat. 813, 814; 37 U. S. C. 253). The authority for travel and transportation allowances including transportation of dependents and movement of household goods at Government expense for members of the regular services to homes of selection was contained in administrative regulations and was recognized by the Comptroller General of the United States as legally sufficient. Those regulations were based principally on the decision of the Comptroller General (4 Comp. Gen. 954; 30 id. 169) that a member of the regular service was regarded as not having a home during the period of his service and therefore was authorized to select a home to which he may perform travel thereto within a reasonable time after retirement. One year after retirement was considered as reasonable and thus the 1-year rule was established.

After the enactment of the Career Compensation Act of 1949, it was considered proper under the broad terms of section 303 (a) of that act to authorize travel and transportation allowances to Reserve members in the same manner as had previously been authorized for members of the Regular services since a high percentage of members of the Reserve components retire after many years of service and who, like members of the Regular services, have long since ceased to have homes to which to return upon retirement even though technically the records show that the homes were designated upon entry on active duty. Also it frequently happens that Reserve members retired for disability cannot, without detriment to health, live at the places listed as their homes of record. Consequently, in the Joint Travel Regulations, effective April 1, 1951, there was provided authority to select a home. These regulations were authorized to be issued under section 303 (h) of the Career Compensation Act of 1949. It was believed at the time of the promulgation of these regulations that section 303 (a) provided ample authority therefor since that section authorized regulations to be prescribed by the Secretaries concerned, without limitation in this respect, for the travel and transportation expenses of all members of the uniformed services upon separation from the service, placement on the temporary disability retired list, releases from active duty, or retirement, from the last duty station to home, or place from which ordered to active duty, and in addition authorized the respective Secretaries concerned to prescribe "the conditions under which travel and transportation allowances shall be authorized."

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However, the Comptroller General of the United States in decisions (B-116568, September 21, 1953, B-116568, March 10, 1954, and B-117430, March 19, 1954) held that section 303 (a) of the Career Compensation Act of 1949 did not contain authority for promulgation of regulations which would authorize travel and transportation allowances for members of the Reserve components to their homes selected upon retirement. These decisions stated that entitlement for such allowances for a regular member appeared to have no application in the case of a reservist who had a home from which he was ordered to active duty and to which he may be expected to return upon release from active duty, whether by retirement or otherwise. The effect of these decisions, depriving members of the Reserve components of the services of the right to select their homes on retirement in the same manner as members of the Regular services, works a distinct hardship on them and is highly discriminatory, especially as to those with many years of active service. The proposed legislation is designed to correct this inequity by providing affirmative authority for travel and transportation allowances including transportation for dependents and movement of household effects at Government expense for members of the uniformed services who are retired for physical disability or placed on the temporary disability retired list, or are retired for any other reason, or are discharged with severance pay, immediately following at least 8 years of continuous active duty, to homes of selection in accordance with uniform administrative regulations.

The proposed legislation also would validate payments in the accounts of disbursing officers made to or on behalf of members of such Reserve components for travel and transportation allowances to homes of selection since April 1, 1951, the effective date of the Joint Travel Regulations, by amending sections 303 (a) and 303 (c) of the Career Compensation Act of 1949 to make them retroactive to April 1, 1951.

COST AND BUDGET DATA

Enactment of this proposal would result in no increase in the budgetary requirements of the Department of Defense.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the proposal are shown as follows (proposed new matter is in *italic*).

CAREER COMPENSATION ACT OF 1949 (63 STAT. 813)

TITLE III

PROVISIONS RELATING TO ALLOWANCES

TRAVEL AND TRANSPORTATION ALLOWANCES

Sec. 303. (a) Under regulations prescribed by the Secretaries concerned, members of the uniformed services shall be entitled to receive travel and transportation allowances for travel performed or to be performed under competent orders (1) upon a change of permanent station, or otherwise, or when away from their designated posts of duty regardless of the length of time away from such designated posts of duty, (2) upon appointment, call to active duty, enlistment, or induction, from home or from the place from which ordered to active duty to first station, and (3) upon separation from the service, placement upon the temporary disability retired list, release from active duty, or retirement, from last duty station to home or to the place from which ordered to active duty, regardless of the fact that such member may not be a member of the uniformed services at the time his travel is performed or is to be performed. *Under uniform regulations prescribed by the Secretaries concerned, a member of the uniformed services who—*

(1) is retired for physical disability or placed upon the temporary disability retired list; or

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(2) *is retired for any other reason, or is discharged with severance pay, immediately following at least eight years of continuous active duty (no single break therein of more than ninety days);*
may select his home for the purposes of the travel and transportation allowances payable under this subsection. Allowances above authorized may be paid without regard to the comparative costs of the various modes of transportation. The respective Secretaries concerned may prescribe (1) the conditions under which travel and transportation allowances shall be authorized, including advance payments thereof, and (2) the allowances for types of travel not to exceed amounts herein authorized. The travel and transportation allowances which shall be authorized for each type of travel shall be limited to one of the following: (1) Transportation in kind, reimbursement therefor, or a monetary allowance in lieu of cost of transportation at a rate not in excess of 7 cents per mile based on distances established or to be established over the shortest usually traveled routes, in accordance with mileage tables prepared by the Chief of Finance of the Department of the Army under the direction of the Secretary of the Army, (2) transportation in kind, reimbursement therefor, or a monetary allowance as provided in (1) of this sentence, plus a per diem in lieu of subsistence not to exceed \$9 per day, or (3) for travel within the continental limits of the United States a mileage allowance of not exceeding 10 cents per mile based on distances established or to be established pursuant to existing law: *Provided*, That the travel and transportation allowances under conditions authorized herein for such members may be paid on separation from the service, or release from active duty, regardless of whether or not such member performs the travel involved.

(b) * * *

(c) In addition to the allowances authorized above, under such conditions and limitations and for such ranks, grades, or ratings and to and from such locations as may be prescribed by the Secretaries concerned, members of the uniformed services when ordered to make a change of permanent station shall be entitled to transportation in kind for dependents or to reimbursement therefor, or to a monetary allowance in lieu of such transportation in kind at a rate to be prescribed not in excess of the rate authorized in subsection (a) of this section, and in connection with a change of station (whether temporary or permanent), to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement therefor, to and from such locations and within such weight allowances as may be prescribed by the Secretaries, without regard to the comparative costs of the various modes of transportation. When orders directing a change of permanent station for the member concerned have not been issued, or when such orders have been issued but are of such a nature that they cannot be used as authority for transportation of dependents and baggage and household effects, the Secretaries concerned may, nevertheless, authorize the movement of the dependents and baggage and household effects and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in lieu thereof as authorized in this subsection, as the case may be, only under unusual or emergency circumstances, including but not limited to, (1) circumstances when duty is being performed by such member at places designated by the Secretary concerned as within zones from which dependents should be evacuated, (2) circumstances when orders which direct temporary duty travel of such member do not provide for return to the permanent station or do not specify or imply any limit to the period of absence from the permanent station, or (3) circumstances when such members are serving on permanent duty at stations outside the continental United States or in Alaska, or on sea duty. The Secretary concerned shall define the term "permanent station," which definition shall include, but not be limited to, a shore station or the home yard or home port of the vessel to which a member of the uniformed services entitled to receive basic pay may be ordered, and a duly authorized change in home yard or home port of such vessel shall be deemed a change of permanent station. Under regulations prescribed by the Secretary concerned, transportation for dependents and baggage and household effects are authorized upon the death of a member of the uniformed services while entitled to receive basic pay pursuant to section 201 (e) of this Act. *Under uniform regulations prescribed by the Secretaries concerned, a member of the uniformed services who—*

(1) *is retired for physical disability or placed on the temporary disability retired list; or*

(2) *is retired for any other reason, or is discharged with severance pay, immediately following at least eight years of continuous active duty (no single break therein of more than ninety days);*

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is entitled to transportation for his dependents and for his baggage and household effects to the home selected for allowance purposes under subsection (a) of this section.

* * * * *

H. R. 6600, 84TH CONGRESS (THE BILL)

SEC. 3. This Act shall be effective from April 1, 1951. No additional amount may be paid to members of reserve components as a result of enactment of this amendatory Act unless travel to such selected home be performed on or prior to April 28, 1953, or within one year after such retirement or discharge, whichever is later.

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84TH CONGRESS } 1st Session }	HOUSE OF REPRESENTATIVES {	REPORT No. 967
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AMENDING SECTION 303 OF THE CAREER
COMPENSATION ACT OF 1949

JUNE 28, 1955.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. KILDAY, from the Committee on Armed Services, submitted the
following

R E P O R T

[To accompany H. R. 6600]

The Committee on Armed Services, to whom was referred the bill (H. R. 6600) to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendment is as follows:

On page 2, line 1, after the word "retired" add the words "with pay".

On page 2, line 14, after the word "retired" add the words "with pay".

On page 2, beginning on line 21, strike out all of section 3 and substitute in lieu thereof the following:

SEC. 3. This Act shall be effective from April 1, 1951. No additional amount may be paid to members of the uniformed services as a result of enactment of this amendatory act unless travel to such selected home be performed on or prior to April 28, 1953, or within one year after such retirement, placement upon the temporary disability retired list, or discharge, whichever is later.

The proposed legislation provides authority for the payment of travel and transportation allowances to all members of the uniformed services to a home of selection when (1) a member is retired for physical disability or placed upon the temporary disability retired list, or (2) is retired for any other reason or discharged with severance pay immediately following at least 8 years of continuous active duty.

Prior to the promulgation of regulations pursuant to section 303 of the Career Compensation Act of 1949, the authority for payment

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of travel and transportation allowances, including transportation of dependents and movement of household goods at Government expense, to a home of selection for a member of the regular service was contained in administrative regulations which were recognized by the Comptroller General as legally sufficient. These regulations were based principally on decisions of the Comptroller General that a member of the regular service was regarded as not having a home during the period of his service and was authorized to select a home to which he may perform travel thereto within a reasonable time after retirement.

The Joint Travel Regulations, promulgated pursuant to the Career Compensation Act of 1949, effective April 1, 1951, provided authority for travel and transportation allowances to homes of selection on retirement for all members of the uniformed services. It was considered proper under the broad terms of section 303 (a) of that act to authorize travel and transportation allowances to Reserve members in the same manner as for members of the Regular services since members of the Reserve components who retire after many years of service cease to have homes to which to return upon retirement even though technically the records show that the homes were designated upon entry on active duty. It was believed at that time that section 303 (a) of the Career Compensation Act provided ample authority therefor since that section authorized regulations to be prescribed by the Secretaries concerned for travel and transportation expenses of all members of the uniformed services including the conditions under which travel and transportation allowances could be authorized, and payments were made accordingly.

The Comptroller General held in decisions in September 1953 and March 1954, that section 303 (a), Career Compensation Act, did not contain authority for promulgation of regulations which would authorize travel and transportation allowances for members of the Reserve components to their homes of selection upon retirement, and that the entitlement for such allowances for a regular member appeared to have no application in the case of a reservist who had a home from which he was ordered to active duty and to which he would be expected to return upon release from active duty whether by retirement or otherwise. The effect of these decisions deprived members of the Reserve components of the right to select their homes on retirement and is discriminatory, especially to those members with many years of active service.

The proposed legislation is designed to correct this inequity by providing affirmative authority for travel and transportation allowances, including transportation for dependents and movement of household effects at Government expense to a home of selection for members of the uniformed services who are retired for physical disability or placed on the temporary disability retired list, or who are retired for any other reason or discharged with severance pay immediately following at least 8 years of continuous active duty.

The proposed legislation also validates payments made in the accounts of disbursing officers made to or on behalf of members of such Reserve components for travel and transportation allowances to homes of selection from the effective date regulations were issued pursuant to section 303, Career Compensation Act of 1949, through the date administrative regulations were issued pursuant to the decisions of

the Comptroller General which limited Reserve members to such allowances to the homes of record or to the place from which ordered to active duty.

The proposed legislation as amended is retroactive to April 1, 1951, and provides that if travel to a selected home is performed on or after April 28, 1953 (1 year after the termination of the national emergencies) or within 1 year after retirement or discharge, whichever is later, that members of the Reserve components:

(1) Who were retired, may be paid travel and transportation allowance for the difference between home of record or place from which ordered to active duty and a home selected, including travel of dependents and shipment of household goods.

(2) Who were discharged with severance pay after 8 years of continuous active duty may be paid travel and transportation allowances for the difference between home of record or place from which ordered to active duty and a home selected, including travel of dependents and shipment of household goods.

(3) Who were placed on the temporary disability retired list and who received travel and transportation allowances to home of record or place from which ordered to active duty, when permanently retired may be paid the difference between home of record or place from which ordered to active duty and a home selected, including travel of dependents and shipment of household goods.

The retroactive provisions further provide that members of the Regular services:

(1) Who were discharged with severance pay after 8 years of continuous active duty may be paid travel and transportation allowances for the difference between home of record or place from which ordered to active duty and a home selected, including travel of dependents and shipment of household goods.

(2) Who were placed on the temporary disability retired list and who received travel and transportation allowances to home of record or place from which ordered to active duty, when permanently retired may be paid the difference between home of record or place from which ordered to active duty and a home selected, including travel of dependents and shipment of household goods.

COMMITTEE AMENDMENTS

The amendments to section 1 proposed by the Committee on Armed Services merely assures that only individuals retired with pay or discharged with severance pay will be entitled to the benefits of the proposed legislation.

The amendment to section 3 merely assures that the retroactive restriction will be equally applicable to reservists and regulars alike.

DEPARTMENTAL RECOMMENDATIONS

Enactment of the proposed legislation will result in no increase in the budgetary requirements of the Department of Defense. The Department of Defense recommends enactment of the proposed legislation. The Bureau of the Budget indicated there is no objection to

the proposed legislation, as indicated by the attached letter hereby made a part of this report.

MAY 18, 1955.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes.

This proposal is a part of the Department of Defense legislative program for 1955 and the Bureau of the Budget has advised that there would be no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to provide authority for the payment of travel and transportation allowances to all members of the uniformed services who are retired for physical disability or placed on the temporary disability retired list; or are retired for any other reason, or are discharged with severance pay, after serving at least 8 years continuous active duty, to homes of selection in accordance with uniform administrative regulations, by amending sections 303 (a) and 303 (c) of the Career Compensation Act of 1949 (63 Stat. 813, 814; 37 U. S. C. 253). The authority for travel and transportation allowances including transportation of dependents and movement of household goods at Government expense for members of the regular services to homes of selection was contained in administrative regulations and was recognized by the Comptroller General of the United States as legally sufficient. Those regulations were based principally on the decision of the Comptroller General (4 Comp. Gen. 954; 30 id. 169) that a member of the regular service was regarded as not having a home during the period of his service and therefore was authorized to select a home to which he may perform travel thereto within a reasonable time after retirement. One year after retirement was considered as reasonable and thus the 1-year rule was established.

After the enactment of the Career Compensation Act of 1949, it was considered proper under the broad terms of section 303 (a) of that act to authorize travel and transportation allowances to Reserve members in the same manner as had previously been authorized for members of the Regular services since a high percentage of members of the Reserve components retire after many years of service and who, like members of the Regular services, have long since ceased to have homes to which to return upon retirement even though technically the records show that the homes were designated upon entry on active duty. Also it frequently happens that Reserve members retired for disability cannot, without detriment to health, live at the places listed as their homes of record. Consequently, in the Joint Travel Regulations, effective April 1, 1951, there was provided authority to select a home. These regulations were authorized to be issued under section 303 (h) of the Career Compensation Act of 1949. It was believed at the time of the promulgation of these regulations that section 303 (a) provided ample authority therefor since that section authorized regulations to be prescribed by the Secretaries concerned, without limitation in this respect, for the travel and transportation expenses of all members of the uniformed services upon separation from the service, placement on the temporary disability retired list, release from active duty, or retirement, from the last duty station to home, or place from which ordered to active duty, and in addition authorized the respective Secretaries concerned to prescribe "the conditions under which travel and transportation allowances shall be authorized."

However, the Comptroller General of the United States in decisions (B-116568, September 21, 1953, B-116568, March 10, 1954, and B-117430, March 19, 1954) held that section 303 (a) of the Career Compensation Act of 1949 did not contain authority for promulgation of regulations which would authorize travel and transportation allowances for members of the Reserve components to their homes selected upon retirement. These decisions stated that entitlement for such allowances for a regular member appeared to have no application in the case of a reservist who had a home from which he was ordered to active duty and to which he may be expected to return upon release from active duty, whether by retire-

AMEND SECTION 303 OF CAREER COMPENSATION ACT OF 1949 5

ment or otherwise. The effect of these decisions, depriving members of the Reserve components of the services of the right to select their homes on retirement in the same manner as members of the Regular services, works a distinct hardship on them and is highly discriminatory, especially as to those with many years of active service. The proposed legislation is designed to correct this inequity by providing affirmative authority for travel and transportation allowances including transportation for dependents and movement of household effects at Government expense for members of the uniformed services who are retired for physical disability or placed on the temporary disability retired list; or are retired for any other reason, or are discharged with severance pay, immediately following at least 8 years of continuous active duty, to homes of selection in accordance with uniform administrative regulations.

The proposed legislation also would validate payments in the accounts of disbursing officers made to or on behalf of members of such Reserve components for for travel and transportation allowances to homes of selection since April 1, 1951, the effective date of the Joint Travel Regulations, by amending sections 303 (a) and 303 (c) of the Career Compensation Act of 1949 to make them retroactive to April 1, 1951.

COST AND BUDGET DATA

Enactment of this proposal would result in no increase in the budgetary requirements of the Department of Defense.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the proposal are

shown as follows (proposed new matter is in *italic*).

CAREER COMPENSATION ACT OF 1949 (63 STAT. 813)

TITLE III

PROVISIONS RELATING TO ALLOWANCES

TRAVEL AND TRANSPORTATION ALLOWANCES

Sec. 303 (a) Under regulations prescribed by the Secretaries concerned, members of the uniformed services shall be entitled to receive travel and transportation allowances for travel performed or to be performed under competent orders (1) upon a change of permanent station, or otherwise, or when away from their designated posts of duty regardless of the length of time away from such designated posts of duty, (2) upon appointment, call to active duty, enlistment, or induction, from home or from the place from which ordered to active duty to first station, and (3) upon separation from the service, placement upon the temporary disability retired list, release from active duty, or retirement, from last duty station to home or to the place from which ordered to active duty, regardless of the fact that such member may not be a member of the uniformed services at the time his travel is performed or is to be performed. *Under uniform regulations prescribed by the Secretaries concerned, a member of the uniformed services who—*

(1) is retired for physical disability or placed upon the temporary disability retired list; or

(2) is retired for any other reason, or is discharged with severance pay, immediately following at least eight years of continuous active duty (no single break therein of more than ninety days);

may select his home for the purposes of the travel and transportation allowances payable under this subsection. Allowances above authorized may be paid without regard to the comparative costs of the various modes of transportation. The respective Secretaries concerned may prescribe (1) the conditions under which travel and transportation allowances shall be authorized, including advance payments thereof, and (2) the allowances for types of travel not to exceed amounts herein authorized. The travel and transportation allowances which shall be

authorized for each type of travel shall be limited to one of the following: (1) Transportation in kind, reimbursement therefor, or a monetary allowance in lieu of cost of transportation at a rate not in excess of 7 cents per mile based on distances established or to be established over the shortest usually traveled routes, in accordance with mileage tables prepared by the Chief of Finance of the Department of the Army under the direction of the Secretary of the Army, (2) transportation in kind, reimbursement therefor, or a monetary allowance as provided in (1) of this sentence, plus a per diem in lieu of subsistence not to exceed \$9 per day, or (3) for travel within the continental limits of the United States a mileage allowance of not exceeding 10 cents per mile based on distances established or to be established pursuant to existing law: *Provided*, That the travel and transportation allowances under conditions authorized herein for such members may be paid on separation from the service, or release from active duty, regardless of whether or not such member performs the travel involved.

(b) * * *

(c) In addition to the allowances authorized above, under such conditions and limitations and for such ranks, grades, or ratings and to and from such locations as may be prescribed by the Secretaries concerned, members of the uniformed services when ordered to make a change of permanent station shall be entitled to transportation in kind for dependents or to reimbursement therefor, or to a monetary allowance in lieu of such transportation in kind at a rate to be prescribed not in excess of the rate authorized in subsection (a) of this section, and in connection with a change of station (whether temporary or permanent), to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement therefor, to and from such locations and within such weight allowances as may be prescribed by the Secretaries, without regard to the comparative costs of the various modes of transportation. When orders directing a change of permanent station for the member concerned have not been issued, or when such orders have been issued but are of such a nature that they cannot be used as authority for transportation of dependents and baggage and household effects, the Secretaries concerned may, nevertheless, authorize the movement of the dependents and baggage and household effects and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in lieu thereof as authorized in this subsection, as the case may be, only under unusual or emergency circumstances, including but not limited to, (1) circumstances when duty is being performed by such member at places designated by the Secretary concerned as within zones from which dependents should be evacuated, (2) circumstances when orders which direct temporary duty travel of such member do not provide for return to the permanent station or do not specify or imply any limit to the period of absence from the permanent station, or (3) circumstances when such members are serving on permanent duty at stations outside the continental United States or in Alaska, or on sea duty. The Secretary concerned shall define the term "permanent station," which definition shall include, but not be limited to, a shore station or the home yard or home port of the vessel to which a member of the uniformed services entitled to receive basic pay may be ordered, and a duly authorized change in home yard or home port of such vessel shall be deemed a change of permanent station. Under regulations prescribed by the Secretary concerned, transportation for dependents and baggage and household effects are authorized upon the death of a member of the uniformed services while entitled to receive basic pay pursuant to section 201 (e) of this Act. *Under uniform regulations prescribed by the Secretaries concerned, a member of the uniformed services who—*

(1) *is retired for physical disability or placed on the temporary disability retired list; or*

(2) *is retired for any other reason, or is discharged with severance pay, immediately following at least eight years of continuous active duty (no single break therein of more than ninety days);*

is entitled to transportation for his dependents and for his baggage and household effects to the home selected for allowance purposes under subsection (a) of this section.

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H. R. 6600, 84TH CONGRESS (THE BILL)

SEC. 3. This Act shall be effective from April 1, 1951. No additional amount may be paid to members of reserve components as a result of enactment of this amendatory Act unless travel to such selected home be performed on or prior to April 28, 1953, or within one year after such retirement or discharge, whichever is later.

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